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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,832	02/12/2002	Kern W. Wong	P05085	9012
7590	04/08/2004		EXAMINER	
Docket Clerk P.O. Drawer 800889 Dallas, TX 75380			KOBERT, RUSSELL MARC	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/075,832	WONG, KERN W.
	Examiner	Art Unit
	Russell M Kobert	2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

1. Applicant's arguments filed December 22, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the "air machine" is operable to "controllably provide a thermally-varying air flow" as recited in claim 1, 7 and 13, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Moreover, the temperature chamber described by Sauerland is capable of performing the operation of thermally-varying air flow because Sauerland teaches the use of a temperature sensor for monitoring temperature conditions in combination with heating and cooling means. Additionally, the thermal changes described in Sauerland from a cold state to a hot state or between a preselected number of temperatures (col 6, ln 40-46) is considered to be a type of thermal variation.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauerland (5451884).

Sauerland anticipates an apparatus for socketing and testing integrated circuits comprising:

an air machine (col 6, ln 5-15) that is *operable* to controllably provide a thermally-varying air flow (col 6, ln 40-46); and

a housing comprising a universal printed circuit board (40) that is *operable* to receive a device under test (10), a controller (32) that is *operable* to control testing of the received device under test, and a power supply / battery (inherent characteristic of controller 32);

wherein said air machine is associable with said housing to form an at least substantially air-tight chamber (18) ensconcing the received device under test as recited in claims 1, 2, 13 and 14.

As to claims 3 and 15 having the printed circuit board circular shaped (see Figure 6, item 40) is shown.

As to claims 4 and 16 having I/O connectors (42 and 44) placed circumferentially and symmetrically near the edge of the printed circuit board is anticipated.

As to claims 5 and 17 having a leadless socket (col 5, ln 23-26, 42-45) is anticipated.

As to claims 6, 12 and 18, having the leadless socket *operable* to receive the device under test in the center of the Printed circuit board is not considered to further limit the invention.

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As to claim 19 having the device under test to be one of a RF integrated circuit and a high-frequency integrated circuit is not considered to further limit the invention as described in claims 1 and 13. (The invention is limited to the apparatus for socketing and testing.)

As to claim 20 having a leadless socket to be self-registering is considered an inherent characteristic of Sauerland and the methods described in claims 7-11 are considered the inherent methods of using the apparatus of Sauerland.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (571) 272-1963.

The Examiner's Supervisor, Kammie Cuneo, can be reached at (571) 272-1957.

For an automated menu of Tech Center 2800 phone numbers call (571) 272-2800.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
April 2, 2004

